

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING**

CSX Transportation, Inc.,

Plaintiff,

v.

**Robert V. GILKISON,
Peirce, Raimond & Coulter, P.C.,
a Pennsylvania professional
corporation a/k/a Robert Peirce &
Associates, P.C., a Pennsylvania
professional corporation, Robert
Peirce, Jr., Louis A. Raimond, Mark
T. Coulter and Ray Harron, M.D.,**

Defendant.

Docket No. 5:05-CV-202

NOTICE OF APPEAL

Notice is given that CSX Transportation, Inc., Plaintiff in the above captioned case, hereby appeals to the United States Court of Appeals for the Fourth Circuit from the Memorandum Opinion and Order entered in this action on the 15th day of September, 2009, the Judgment Order entered in this action on the 15th day of September, 2009 and from all other adverse rulings in the case. Pursuant to Federal R. App. P. 4, this Notice of Appeal is timely filed in the District Court.

This the 29th day of September 2009.

Respectfully submitted,

/s/ Marc E. Williams

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2009, I will electronically file the foregoing Notice of Appeal on behalf of Plaintiff CSX Transportation, Inc. with the Clerk of this Court using the CM/ECF system, which will then send a notification of such filing to:

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